

Bylaw No. 2-2015

THE DOG BYLAW

A BYLAW OF THE TOWN OF SOUTHEY FOR LICENSING DOGS AND REGULATING AND CONTROLLING PERSONS OWNING OR HARBOURING DOGS

1. This bylaw may be referred to as the Dog Bylaw

1. In this Bylaw:

- (a) "Council" means the Council of the Town of Southey
- (b) "Dogs" includes all species of the animal commonly known as dogs, male or female, and of every breed or classifications or mixture of breeds;
- (c) "Kennel" means any structure used by any person for boarding or otherwise caring for, training, or whelping dogs.
- (d) "License Year" means the period from January 1st to December 31st of the year
- (e) "Owner" means any person, partnership, association, or corporation owning, possessing, harbouring, having charge of or control over any dog, and includes a keeper of a dog;
- (f) "Pound Keeper" means that person, corporation, society or organization as may from time to time be appointed by the Town of Southey for the purpose of retaining impounded dogs pursuant to this Bylaw;
- (g) "Running at Large" means off the premises of the owner, or when not on a leash held by a person able to control the dog;

PART 1- LICENSING OF DOGS

2. No owner of any dog shall be in possession of such dog unless such dog has been licensed for the current license year.

3. (1) The annual license fee charged for various kinds, species or breeds of dogs, owned, possessed or harboured by any person while resident of the Town of Southey, excepting Seeing Eye dogs or any dog used for police work by the RCMP shall be in accordance with the schedule of fees prescribed in schedule "A" attached to this bylaw.
(2) Notwithstanding anything contained in this Bylaw, seeing eye dogs used as a guide by a blind person shall be licensed, and the Town of Southey shall issue the license without payment of the license fee.
4. (1) The owner of every dog shall apply to the Town of Southey on or before January 31 of each year for a license to keep such dog within the town, tendering with such application, the required annual fee therefor, according to Schedule "A" attached to this Bylaw and upon the receipt thereof the administrator shall issue a license for each dog owned by the owner.
(2) Upon the first application for a license being received by the Administrator, the administrator shall, in addition to issuing a license, issue a tag for the dog.
5. Every applicant for license for a spayed bitch or emasculated male dog, shall produce to the Town Administration, at the time of making applications, a certificate of Veterinary surgeon, that such bitch has been spayed, or that such dog has been emasculated.
6. All license fees required to be paid under this Bylaw shall be paid to the Town of Southey Office, Southey, SK.
7. The tag issued by the Town shall bear a serial number and a record shall be kept by the Town showing the name and address of the owner and a description of each dog owned by him including its breed, colour, sex, age and name and the serial number of the tag issued for each dog.
8. The owner shall ensure that a collar, and the tag issued by the Town are worn by the dog when the animal is in town limits.

9. No person shall remove a collar or dog tag from a dog.

PART II- IMPOUNDING OF DOGS

10. (1) Every owner whose dog is running at large is guilty of an offence and liable on summary conviction to the penalties prescribed in this Bylaw.

(2) No owner or other person shall use a leash greater than two (2) meters in length on a dog, when such dog is off the premises of the owner, and where a leash greater than two (2) meters in length is used by the owner or any other person, the dog shall be deemed to be running at large.

11. For the purpose of impounding any dog found running at large in the Town of Southey, a pound shall be established at such place or places as may from time to time be designed by the Town Administration.

12. Any police constable may capture or seize any dog found running at large contrary to the provisions of this Bylaw, and shall deliver such dog to the pound, and it shall thereupon be impounded and kept for forty eight (48) hours and if not claimed and redeemed by the owner, the dog may be sold for the cost of boarding, vaccination against rabies and if applicable, license fees, but if such impounded dog is not claimed and redeemed or sold within a period of forty eight (48) hours, from the time of impoundment, the said dog may be destroyed or disposed of by the Town or Pound Keeper.

13. Pound Fees shall be prescribed in Schedule "A", and shall be in addition to any charges for food or otherwise, that the Pound Keeper may impose.

PART III DUTIES OF DOG OWNERS

14. No owner or keeper of a dog shall permit his dog or dogs on any school ground, playground or posted parkland area except when the owner or

keeper is attending a recognized training or obedience school for training his dog.

15. Any owner or any dog found chasing any pedestrian, vehicle, horse or any other animal, on a public thoroughfare shall be in violation of this Bylaw.
16. A female dog in heat shall be confined and housed in the residence of the owner or person having control of the dog, or taken to a licensed kennel during the whole period that the dog is in heat; except that a female dog may be allowed outside the said residence for the sole purpose of permitted the dog to defecate on the premises of the owner.
17. (1) If a dog defecates on any public or private property including the property of its owner, the owner or keeper shall cause such defecation to be removed immediately.
(2) where, under Subsection (a) of this section, the owner of a dog fails to remove such defecation immediately, the owner shall be in violation of this Bylaw.
18. No owner or keeper shall permit his dog or dogs to damage public or private property.
- 19.(1) Every owner of a dog shall:
 - (a) Provide his or her dog with a collar; and,
 - (b) Keep the tag issued by the Town of Southey under the provision of this bylaw securely fixed on the dog's collar at all times.
20. Every person requested by the Town Administration to do so shall forthwith deliver to him a statement in writing of the number of dogs owned by him.

PART IV- GENERAL

21. Any person teasing a dog, enticing dog, baiting or throwing objects at a dog, confined within its owner's property shall be in violation of this Bylaw.
22. The operation of any kennel with in the town is strictly prohibited.
23. The Pound Keeper or Town Administration shall keep a record of all dogs impounded.
24. Where any dog is suspected of having rabies, such dog shall not be killed but shall be secured and isolated for ten (10) days and the matter immediately reported to a Veterinary, whose instructions shall be carried out.

PART V- PENALTY PROVISIONS

- 25.(1) Where a person committed or is alleged to have committed an offence for which a penalty is set out in Schedule "B" of this Bylaw, a peace officer or any other person authorized by the Town Council shall issue a Notice of Violation from to such person using Column B.
- (2) The Notice of Violation shall be in the form or substantially in the form of Form "1" and shall provide for the voluntary payment of a penalty in the amount set forth in Column B of Schedule "B" for the offence which the person is alleged to have committed.
- (3) Voluntary payment of a penalty specified in a Notice of Violation shall be made on or before the date indicated on the Notice of Violation. Voluntary payment shall be made in person to the Town of Southey Office administration during normal business hours.
- (4) If payment of the amount specified on the Notice of Violation is made on or before the date indicated on the Notice of Violation, neither the person alleged to have committed the offence nor owner of the dog shall be liable to prosecution for the offence indicated.

- (5) If payment of the amount specified on the Notice of Violation is not made or before the date indicated on the Notice of Violation, a peace officer or other authorized person shall issue or cause to be issued a Summons.
- (6) The Summons shall be in the form or substantially in the form of Form 2 and shall provide for the voluntary payment of a penalty in the amount set forth in Column A of Schedule "B" for the offence which the person is alleged to have committed. The Summons shall be served by a peace officer or other authorized person.
- (7) Voluntary payment of a penalty specified in a Summons shall be made on or before the date on the Summons. Voluntary payment shall be made in person at the town office during normal business hours.
- (8) If payment of the amount specified on the Summons is made on or before the date indicated on the Summons, neither the person alleged to have committed the offence nor owner of the dog shall be liable to prosecution for the offence indicated.
- (9) If payment of the amount specified on the Summons is not made on or before the date indicated on the Summons, the person to whom the Summons has been issued shall be liable to prosecution of the alleged contravention of the Bylaw.
- (10) Nothing in this section shall be construed to prevent any person from exercising his or her right to defend a charge of contravention of any provision of this Bylaw.

SCHEDULE "A"
Bylaw No. 2-2015, the Dog Bylaw

Schedule of the License and Pound Fees

<u>DOGS</u>	<u>LICENSE FEE</u>
1. All dogs NOT spayed or neutered.	\$40.00
2. All dogs spayed or neutered.	\$20.00

POUND FEES

1. All animals	\$40.00
2. Detainment fee-all animals	\$20.00

DOG TAG REPLACEMENT FEE

If a dog tag is lost, the cost for a replacement dog tag will be: \$5.00

NOTE: Pursuant to Section 13 of Bylaw No. 2-2015, the License Fees and Pound Fees prescribed in this Schedule are in addition to any charges for food or otherwise, that the Pound Keeper may impose.

SCHEDULE "B"
Bylaw No. 2-2015, the Dog Bylaw

Offences for which a Notice of Violation May be Issued

<u>Section #</u>	<u>Description of Offence</u>	<u>Column "A"</u>	<u>Column "B"</u>
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All Violations laid out in this Bylaw
Will result in a fine

1 st Violation		\$60.00	\$40.00
2 nd Violation		\$120.00	\$80.00
3 rd Violation		180.00	\$120.00

AND so on and so forth....

FORM "1"
Bylaw No. 2-2015, the Dog Bylaw
Notice of Violation (Front)

NOTICE OF VIOLATION

Ticket No. _____

Issued by: _____

Date of Offence: _____

Name of Accused: _____

Address of Accused: _____

Location of Violation: _____

Description of Violation: _____

Description of Dog: _____

Voluntary Payment Amount: _____

Deadline for Voluntary Payment: _____

You are charged with a violation of the Town of Southey's Dog Bylaw
A voluntary payment may be paid at the Town Office with instructions on the back.

If payment is received on or before the deadline for voluntary payment (noted above), you will not be prosecuted for this violation. Please also note that the voluntary payment is less than the full penalty prescribed by the Bylaw for this offence.

Avoid prosecution by paying promptly. Unless payment is received by the Town of Southey in accordance with the instructions contained herein, a Criminal Code (Canada) Summons will be issued commanding you to appear in Court with respect to this matter. In addition, the penalty will increase to the maximum specified in the Bylaw for this offence.

Payment instructions are on the back.

PAYMENT INSTRUCTIONS

- 1. Make all cheques payable to the Town of Southey**
- 2. Do not mail cash. The Town of Southey assumes no responsibility for cash sent through the mail, including out drop box on our building.**
- 3. Where a receipt is required, payment may be made in person to the Town Office during normal business hours.**
- 4. Where a receipt is not required, payment can be mailed to Town of Southey, Box 248, Southey SK S0G 4P0. Enclose ticket and payment in envelope**
- 5. Avoid prosecution by paying promptly. If prompt payment is not received in accordance with the instructions contained herein, a Criminal Code (Canada) Summons will be issued commanding you to appear in Court with respect to this matter.**
- 6. The Voluntary payment provided herein is reduced from the full penalty prescribed in the Dog Bylaw. If prompt payment is not received in accordance with the instructions contained herein, the penalty will increase in accordance with the provisions of the Dog Bylaw.**
- 7. For inquiries, please contact 306-726-2202.**

FORM "2"
Bylaw No. 2-2015, the Dog Bylaw
Modified Criminal Code Summons

**SUMMONS TO A PERSON
CHARGED WITH A VIOLATION**

Ticket No. _____

Canada
Province of Saskatchewan
Provincial Court, Town of Southey

ON BEHALF OF HER MAJESTY THE QUEEN

TO _____ Date of Birth: ____/____/____

WHEREAS YOU HAVE BEEN CHARGED that, on or about the ____ day of _____, A.D. _____ at the Town of Southey, in the Province of Saskatchewan, you did commit the following offence:

Contrary to the provisions of the Dog Bylaw, being Bylaw No. 2-2015 of the said town.

IF VOLUNTARY PAYMENT IN THE AMOUNT OF _____ IS NOT RECEIVED ON OR BEFORE _____, YOU ARE COMMANDED, IN HER MAJESTY'S NAME:

- (1) to appear before the presiding judge of The Provincial Court of Saskatchewan at 150 Keats Street, Southey Saskatchewan, on the ____ day of _____ A.D. ____ at _____ o'clock in the _____ noon (Southey time) or before any justice for the said Province who is there, and to attend thereafter as required by the Court in order to be dealt with according to law: and

YOU ARE WARNED THAT FAILURE WITHOUT LAWFUL ECUSE TO ATTEND COURT IN ACCORDANCE WITH THIS SUMMONS IS AN OFFENCE UNDER SUBSECTION 145(4) OF THE CRIMINAL CODE (CANADA).

DATED this _____ day of _____ A.D. _____, at Southey in the Province of Saskatchewan.

A JUSTICE OF THE PEACE IN AND FOR THE PROVINCE OF SASK.

SUMMONS TO A PERSON

CHARGED WITH A VIOLATION

PAYMENT INSTRUCTIONS

1. Payment may be made in person at the Town Office, 260 Keats Street, during normal business hours.
2. Payment may also be made by mailing this Summons, together with the exact amount of the penalty specified therein for voluntary payment, to the following address:

Town of Southey
Box 248
Southey, SK
S0G 4P0

3. **Payment must be received prior to the date specified in the summons. Voluntary payment cannot, and will not, be accepted after the date specified for voluntary payment. If you choose to send your payment by mail, it is your responsibility to ensure that your payment is posted in sufficient time to be received prior to the date specified.**
4. **Avoid prosecution by paying promptly. If payment is not received by the Town of Southey in accordance with the instructions contained herein, a mandatory court appearance is required at the time and place specified herein.**
5. You are warned that failure, without lawful excuse, to attend court in accordance with this summons is an offence under subsection 145 (4) of the Criminal code (Canada), which provides as follows:

“(4) Every one who is served with a summons and who fails, without lawful excuse, the proof of which lies on him, to appear at a time and place stated therein, if any, for the purposes of the *Identification of Criminal Act* (Canada) or to attend Court in accordance therewith, is guilty of:

(a) An indictable offence and is liable to imprisonment for a term not exceeding two years; or

(b) An offence punishable on summary conviction. ”

6. For inquiries please contact the Southey RCMP detachment at 306-726-5230